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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,542	09/26/2001	Michael S.G. Bell	40198/324831(CAN100)	2060
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JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309			EXAMINER NGUYEN, VI X	
			ART UNIT 3734	PAPER NUMBER
			MAIL DATE 08/05/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/937,542

Applicant(s)

BELL ET AL.

Examiner

Victor X. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-5, 10-20 and 23-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-5, 10-20 and 23-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The request filed on 12/11/2007 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/937,542 is acceptable and a RCE has been established. An action on the RCE follows.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 23-43 are rejected under 35 U.S.C. 102 (b) as being anticipated by Friedman (U.S. 1,940,855).

Regarding claims 23, 28 and 29, Friedman discloses in figures 2-5, a handle assembly for a detachable scalpel blade (1) includes a handle body (3); a blade bar (6); and wherein a spring (5) definitely urges the distal end of the blade bar as best seen in fig. 3 into the handle body (3); a collet (4 is considered a collet) having a through bore which the blade is disposed. Furthermore, the tang is defined by a groove (2) and a heel (fig. 4).

Regarding claims 24 and 25, wherein the collet (4) further includes a bore within which the blade bar (3) is positioned. The collet further includes a slot (fig. 5).

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Regarding claims 26 and 27, wherein the collet includes at least one face sloping toward the slot; and wherein at least one sloping face guides the blade (1) end into the slot.

Regarding claims 30 and 31, wherein the blade (1) is received in a groove in the protruding portion of the bar (6); and wherein the bar (6) is bent and the groove is approximately parallel to the longitudinal axis (fig. 5).

Regarding claims 32 and 33, wherein the collet (4) has a slit (2) within which an end of the blade (1) is received; and wherein the collet has at least one sloping face for guiding the blade (1) into the slit.

Regarding claims 34 and 35, wherein the collet has a pair of faces sloping toward the slit for guiding the blade (1) end into the slit; and wherein the bore (3) is sized to permit the bar to move laterally from the axis orthogonal to the longitudinal axis.

Regarding claims 36 and 37, wherein the bore (3) has an oval cross sectional shape so the bar can move laterally within the bore; and wherein the bar (5) is coupled to an actuator (9).

Regarding claims 38 and 39, wherein the actuator (9) is a button attached to a rod (8) which attaches to the bar (fig. 4); and wherein the rod (8) has two ends and the bar (5) attaches to one end and the button (9) attaches to the other end.

Regarding claims 40 and 41, wherein the handle body further includes a handle grip (fig. 1); a collet (4) having a proximal end and a collet core (fig. 4); wherein the collet flares at its proximal end.

Regarding claims 42 and 43, wherein the assembly further includes a retainer (5) for capturing the rod (8) within the handle body (3); and wherein the retainer (5) is attached to the handle body (3).

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Claims 3-5,10-20, 23 and 29 are rejected under 35 U.S.C. 102 (e) as being anticipated by Jessen (U.S.6,402,770).

Regarding claims 23, 29, Jessen shows in figure 1, a handle assembly for a detachable scalpel blade (24) includes a handle body (33), wherein a blade bar (12) has a portion protruding from the handle body for engaging the blade and urging the distal end of the blade bar into engagement with the handle body, and where a spring 14 which has a tapered coiled spring which is able for urging the bar (see col. 4, lines 30-34).

Regarding claims 3,5- 20, Jensen discloses in figures 1,3a,5b, a handle assembly for a detachable scalpel having the limitations as described above.

### ***Response to Arguments***

3. Applicant's arguments filed 9/6/2007 have been fully considered but they are not persuasive. The applicant argues that the Friedman et al reference fails to show certain feature of applicant's invention, it is noted that the feature upon which applicant relies (i.e., a surrounding collet structure) is not recited in the rejected claim(s) 23, 29. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

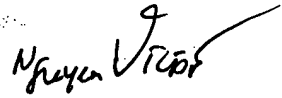
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor X. Nguyen whose telephone number is (571) 272-4699. The examiner can normally be reached on M-F (8-4.30 P.M).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on (571) 272-4697. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Victor X Nguyen  
Examiner  
Art Unit 3734



VN ✓  
1/31/2008



MICHAEL J. HAYES  
SUPERVISORY PATENT EXAMINER